

POWER DECLARATION

EXHIBIT 4

Lin, Chuk Hung - Vol. 1

February 21, 2008

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MILAGROS IMPORTS LIMITED, a)
New York corporation,)

Plaintiff,)

-against-)

PROGRESS VANTAGE LIMITED, a)
Foreign corporation,)

Defendant.)

NO. 07 CV 3215 (SHS)

DEPOSITION UPON ORAL EXAMINATION

OF

CHUK HUNG LIN

9:59 A.M. - 12:17 P.M.

Thursday, February 21, 2008

600 University Street, Suite 3600

Seattle, Washington

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1 APPEARANCES:

2
3 FOR THE PLAINTIFF:

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Seattle, Washington 98101

7
8 FOR THE DEFENDANT:

BENJAMIN L. FELCHER LEAVITT
Attorney of STORCH, AMINI, MUNVES
2 Grand Central Tower
New York, New York 10017

12
13 ALSO PRESENT:

WAI WONG

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1 I N D E X

2 EXAMINATION PAGE

3

4 Ms. Power 6

5

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9

I N D E X E X H I B I T

10	EXHIBIT NO.	DESCRIPTION	PAGE
11			
12			
13			
14	1	1-page November 7, 1997 letter.	11
15		(PVL 05644)	
16			
17	2	3-page 10/2/93 e-mail.	20
18		(PVL 01410-01412)	
19			
20	3	3-page 10/3/03 e-mail.	20
21		(PVL 01407-1409)	
22			
23	4	5-page Corporate Application.	22
24		(PVL 05819-05823)	
25			

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EXHIBIT NO.	DESCRIPTION	PAGE
5	June 15, 2004 Filing of documents. (PVL 05714-05737)	26
6	10 pages of Invoices. (PVL-00176-00185)	32
7	3 pages of Invoices. (PVL 00025-00027)	40
8	3 pages of Invoices. (PVL 00007-00009)	42
9	1-page E-mail with attachments. (PVL 04343-04347)	46
10	1-page E-mail with attachments. (PVL 05069-05074)	47

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EXHIBIT NO.	DESCRIPTION	PAGE
11	1-page E-mail with attachments. (PVL 05081-05083)	48
12	1-page E-mail with attachments. (PVL 03757-03764)	48
13	1-page November 22, 2006 E-mail. (MIL 000091)	51
14	1-page MIL Order From 2003 - 2006. (PVL 00171)	54

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1 BE IT REMEMBERED that on Thursday, February 21,
2 2008, at 9:59 a.m. at 600 University Street, Suite 3600,
3 Seattle, Washington, before LORRAINE M. MILLAY, Notary
4 Public in and for the State of Washington, appeared CHUK
5 HUNG LIN, the witness herein;

6 WHEREUPON, the following proceedings were had,
7 to wit:

8
9 CHUK HUNG LIN, having been first duly sworn by
10 the Notary, testified as follows:

11
12 EXAMINATION

13 BY MS. POWER:

14 Q Good morning, Ms. Wong.

15 A Good morning.

16 Q Could you please state your full name for the record,
17 please.

18 A Chuk Hung Lin, also known as Lynn Wong.

19 Q Could you spell that for the court reporter, please?

20 A C-H-U-K H-U-N-G L-I-N.

21 Q And today, is it okay if I refer to you as Ms. Wong?

22 A Mrs. Wong.

23 Q Mrs. Wong. Thank you.

24 Mrs. Wong, as you know, I'm Vanessa Power. I
25 represent Milagros, the plaintiff, in this matter. Have

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1 you ever been deposed before?

2 A No.

3 Q And again, just for background. Only one of us may speak
4 at a time. You need to answer audibly, so that the court
5 reporter can record whatever your answer is. And if you
6 need a break at any time, as long as there's no question
7 pending, just let me know.

8 A Okay.

9 Q Are you taking any medication today that could affect your
10 ability to testify?

11 A No.

12 Q And am I correct that English is not your first language?

13 A Correct. And I would like to mention that because I have a
14 limited knowledge of the legal term, phrase, so I would
15 like -- would you please use a simplified or plain English
16 when you ask questions?

17 Q I will do my best to use plain English.

18 A Thank you.

19 Q If you don't understand one of my questions, you can ask me
20 to either ask again or ask me to rephrase the question if
21 you don't understand.

22 A Okay.

23 Q But are you confident in your ability to respond to my
24 questions in English today?

25 A Yes.

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1 A I don't remember the exact date.

2 Q Do you remember the year?

3 A Maybe 2004, 2005.

4 Q Were you aware of anything related to exclusivity of the
5 alleged license?

6 A At that time we only have Irene to distribute the goods for
7 us.

8 Q Did you tell Irene that?

9 A I didn't talk to her about it.

10 Q Do you know if Irene was told that?

11 A I don't know.

12 MR. LEAVITT: May we go off the record for a
13 second?

14 MS. POWER: Yes.

15 (Discussion off the record.)

16 MS. POWER: This is Exhibit 2. And if you would
17 also go ahead and mark this as 3.

18 (EXHIBIT NO. 2 & 3 MARKED)

19 Q (By Ms. Power) Mrs. Wong, you've been handed what's been
20 marked as Exhibits 2 and 3. I will give you a moment to
21 review both of them, and please let me know if you
22 recognize these exhibits.

23 (Pause in proceedings.)

24 A Yes.

25 Q (By Ms. Power) Do you recognize Exhibits 2 and 3?

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1 Q Do you believe that there has been damage to the BETTA
2 brand in the United States?

3 A I don't know.

4 Q Anything else?

5 A The profit that Milagros made.

6 Q What do you mean by the profit that Milagros made?

7 A For the product carrying the BETTA brand.

8 Q Didn't Milagros pay Progress for all the products that it
9 purchased?

10 A But we already terminate her distributions.

11 Q When do you believe that there was a termination?

12 A Based on the Exhibit 13, November 22, 2006.

13 Q If you can look at Exhibit 13, doesn't it reference that
14 this will come into effect some time in fall/winter 2007?
15 Do you see that reference?

16 A Yes.

17 Q What did you understand that to mean?

18 A My understanding is she can do whatever we already shipped
19 which will not affect her distribution in the U.S.

20 Q Through fall or winter 2007?

21 A Before.

22 Q I'm sorry?

23 A The shipment we shipped already is all for spring and
24 summer, so all the goods carried BETTA that we manufactured
25 and shipped were not affected.

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1 Q So if I understand correctly, any product bearing the BETTA
2 mark that Milagros received as of --

3 A After -- yeah, before November.

4 Q -- as of November 2006 was not affected; is that right?

5 A Yes.

6 Q Isn't it true that Progress shipped additional products
7 bearing the BETTA mark to Milagros in December of 2006?

8 A Yes.

9 Q Would this apply to those products?

10 A Sorry. Will you, please?

11 Q Does this alleged termination apply to those products?

12 A We try to not to damage the brand to disappoint a customer,
13 we let it go.

14 Q So it's not only what had been shipped as of this date of
15 this e-mail; correct?

16 A Yes.

17 Q It included other shipments that had not yet been shipped;
18 correct?

19 A Yes.

20 Q What about products bearing the BETTA mark that Milagros
21 uses other manufacturers to produce, what's the impact of
22 this alleged termination on those?

23 A We would take it as the date effective from November 22nd.

24 Q Does it say that in this e-mail?

25 A No.

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